

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED JUL 09 2012
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REALTIME DATA, LLC d/b/a IXO,

Plaintiff,

vs.

MORGAN STANLEY, ET AL.,

Defendants.

Case No. 1:11-cv-6696-KBF
1:11-cv-6701-KBF
1:11-cv-6704-KBF

JURY TRIAL DEMANDED
ECF Case

REALTIME DATA, LLC d/b/a IXO,

Plaintiff,

vs.

CME GROUP INC., ET AL.,

Defendants.

Case No. 1:11-cv-6697-KBF
1:11-cv-6699-KBF
1:11-cv-6702-KBF

JURY TRIAL DEMANDED
ECF Case

REALTIME DATA, LLC d/b/a IXO,

Plaintiff,

vs.

THOMSON REUTERS, ET AL.,

Defendants.

Case No. 1:11-cv-6698-KBF
1:11-cv-6700-KBF
1:11-cv-6703-KBF

JURY TRIAL DEMANDED
ECF Case

~~PROPOSED~~ ORDER ADOPTING THE PARTIES' AGREED CLAIM
CONSTRUCTIONS

The Court, having considered the parties' agreed claim constructions, hereby adopts their agreed constructions. The following claim terms and phrases in U.S. Patent Nos. 7,417,568 (the

“568 patent”), 7,714,747 (the “747 patent”), and 7,777,651 (the “651 patent”) are construed as set forth below:

Claim Term or Phrase	Patents and Claims	Construction
“analyzing [or analyze] content of the [or a] data block [or field of the message] to determine a data block [or field] type” “analyses of content of [the] data blocks [or fields]”	’747 patent: 1, 8, 14, 19; ’651 patent: 1, 13, 22, 29, 43, 60, 91, 108, 115.	directly examining the content of the data to be compressed to determine the data block (<i>or</i> data field) type of that data
“analyzing (or analyze) the data packet (or encoded data packet or encoded message) to identify a descriptor”	’651 patent: 1, 13, 22, 29, 43, 60, 91, 108, 115; ’747 patent: 1, 8, 14, 19.	examining (<i>or</i> examine) the data packet (<i>or</i> encoded data packet <i>or</i> encoded message) to identify a descriptor in the packet
“recognizing a data field type of a data field”	’568 patent: 1, 20.	recognizing a data field type by analyzing the content of the data field
“packet” “data packet”	’568 patent: 1, 15, 32; ’747 patent: 1, 7, 8, 13, 14, 19; ’651 patent: 1, 4, 12, 13, 15, 18, 21, 22, 25, 29, 34, 37, 38, 43, 45, 47, 51, 60, 63, 67, 72, 91, 92, 93, 94, 95, 108, 110, 111, 112, 115, 116, 118, 123.	Information limited in type, format, and content and able to be transmitted as a unit across a packet-switched network, the packet including control information that enables the packet to be delivered to an intended destination in the network
“description file”	’568 patent: 20, 22; ’651 patent: 1, 60, 115.	a computer file comprising a list created using a data field description language
“data block types and associated lossless encoders”	’747 patent: 14, 19.	Data block types and lossless encoders associated with those data block types

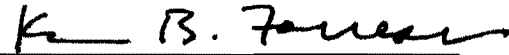
Claim Term or Phrase	Patents and Claims	Construction
“data field types and associated lossless decoders”	’651 patent: 1, 115.	Data field types and lossless decoders associated with those data field types
“data block types and associated encoders”	’651 patent: 13, 22, 29, 43.	Data block types and encoders associated with those data block types
“data field types and associated encoders”	’651 patent: 60.	Data field types and encoders associated with those data field types
“computer file”	’651 patent: 13, 22, 29, 43; ’747 patent: 14, 19.	A collection of related records treated as a unit within a computer
“a priori knowledge of the financial data stream”	’651 patent: 13, 43, 91, 108, 115.	prior knowledge of at least some aspects of the content or structure of the financial data stream
“adaptive local state machine”	’651 patent: 7, 26, 35, 37, 64.	hardware, microinstruction code, or application program whose state transitions can change during compression (or decompression) and are based on data values in a data stream
“adaptive table”	’651 patent: 13, 15, 19, 43, 45, 49, 91, 93, 97, 108, 110, 114, 115, 116, 121.	a modifiable table whose data can be changed during compression (or decompression) based on the content of the data stream
“fixed table”	’651 patent: 13, 43, 91, 108, 115.	a predefined, constant table that is used during compression (or decompression)
“the encoding does not require packet-to-packet data dependency”	’568 patent: 32.	The encoding of a data packet is independent of any other data packet in the data stream
“packet independent data encoding”	’651 patent: 18, 25, 34, 47, 63.	Data encoding in which each packet is encoded independent of any other data packet in the data stream
“packet independent data compression”	’568 patent: 15.	Data compression in which each packet is compressed independent of any other data packet in the data stream
“packet independent data decoding”	’651 patent: 95, 112, 118.	Data decoding in which each packet is decoded independent of any other data packet in the data stream

Claim Term or Phrase	Patents and Claims	Construction
“synchronization point[s]”	’651 patent: 4, 16, 24, 46, 61, 94, 111, 117.	an identifiable sequence of one or more bytes in the data stream
“compress” “compressed” “compressing” “compression”	’568 patent: 1, 15, 20, 22, 23; ’747 patent: 1, 7, 8, 13, 14, 18, 19, 22; ’651 patent: 1, 13, 22, 29, 38, 43, 60, 67.	Compress[ed, ing]: represent [<i>or</i> represented <i>or</i> representing] data with fewer bits Compression: representation of data with fewer bits
“decompress” “decompressed” “decompressing” “decompression”	’747 patent: 1, 7, 8, 13; ’651 patent: 1, 91, 108, 115.	decompress[ed, ing]: represent [<i>or</i> represented <i>or</i> representing] data with more bits decompression: representation of data with more bits
“wherein the lossless encoders are selected based on analyses of content of the data blocks [or fields]”	’747 patent: 1, 8; ’651 patent: 1, 91, 108, 115.	the system (or method) selects the lossless encoders based on analyses of content of the data blocks (or data fields)
“global state machine”	’651 patent: 7, 26, 35, 64.	hardware, microinstruction code, or application program whose state transitions are based on prior knowledge of at least the data stream packet structure
“a determinate point of the [encoded] data packet”	’651 patent: 15, 37, 45, 93, 110, 116.	an identifiable sequence of one or more bytes in the data stream

To the extent an identified claim term in the foregoing list uses language that is construed by the Court in connection with a another claim term, the construction adopted by the Court should be incorporated into the construction in this list.

SO ORDERED:

Dated: New York, New York
July 9, 2012

A handwritten signature in black ink, appearing to read "K. B. Forrest", is written over a horizontal line.

KATHERINE B. FORREST
United States District Judge